

# **EXHIBIT 6**

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

\* \* \* \* \*  
LORI ANN MORRIS \*  
\*  
VERSUS \* No. 3:05-CV-962-T  
\*  
EDWARD NEAL THOMPSON AND \*  
FLORIDA TRANSFORMER \*  
\* \* \* \* \*

The deposition of ANDRE E. LeBLEU, P.E., 17474  
Opportunity Avenue, Baton Rouge, Louisiana, 70814-  
7470, taken by counsel for the Defendant at the  
Office of Edward A. Robinson III, Esq., 600 North  
Foster Drive, Baton Rouge, Louisiana, commencing at  
10:36 a.m. on July 26, 2006.

COPY

Reported by: Kelly G. Young, CCR

Registered Professional Reporter

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<p>22</p> <p>1 retained by anybody to testify?</p> <p>2 A. That's correct.</p> <p>3 Q. And who was it that first contacted you</p> <p>4 about testifying in this case?</p> <p>5 A. We received a call from Dr. Robinson, I</p> <p>6 believe.</p> <p>7 Q. All right. Let me ask you this. Through</p> <p>8 the course of -- how long have you been an engineer?</p> <p>9 A. Since 1987.</p> <p>10 Q. All right. Let me just kind of go through</p> <p>11 your resume here. You've been -- LAPTEC has been in</p> <p>12 existence since 1999?</p> <p>13 A. It probably started a few years before</p> <p>14 then.</p> <p>15 Q. Were you one of the founders of LAPTEC?</p> <p>16 A. I got in after it was founded.</p> <p>17 Q. Have you held the same position as</p> <p>18 vice-president the entire time you've been there?</p> <p>19 A. That's correct.</p> <p>20 Q. And in your dealings at LAPTEC, have you</p> <p>21 ever investigated any electrical systems for 18</p> <p>22 wheelers?</p> <p>23 A. No.</p> <p>24 Q. Have you ever done it in your experience</p> <p>25 ever?</p>	<p>24</p> <p>1 Q. And tell me, kind of break down what else</p> <p>2 you do. I don't know much about electrical</p> <p>3 engineering.</p> <p>4 A. Beyond that we do designs, which we</p> <p>5 implement in whatever facilities that we're</p> <p>6 contracted to do so. We develop a design which</p> <p>7 specifies every part and piece that goes with the</p> <p>8 electrical system. Not the major parts. We'll tell</p> <p>9 them the wire, how to install the wire, how to</p> <p>10 connect it, the equipment that's going to connect</p> <p>11 it, all the breakers, the protective devices in the</p> <p>12 breakers, down to the motors. We look at how it's</p> <p>13 going to be loaded, so forth. Do you need more</p> <p>14 detail?</p> <p>15 A. That's plenty right there.</p> <p>16 Q. What are you doing these designs for? Is</p> <p>17 it buildings; is it computers; is it cars?</p> <p>18 A. We basically provide power for buildings,</p> <p>19 industrial systems. That's pretty much it. We</p> <p>20 analyze systems, also, for various electrical</p> <p>21 properties to make sure they operate within safe</p> <p>22 applications.</p> <p>23 Q. Any of your design work, has that ever been</p> <p>24 done for 18 wheelers?</p> <p>25 A. No.</p>
<p>23</p> <p>1 A. No.</p> <p>2 Q. I'm not going to go -- what did you do at</p> <p>3 Power and Control Systems in Baton Rouge?</p> <p>4 A. Basically the same things I've done for</p> <p>5 LAPTEC.</p> <p>6 Q. Okay. And what about Bertrand Engineers?</p> <p>7 A. All of these except the beginning ones,</p> <p>8 FAA, was basically -- we were working more with</p> <p>9 radar systems instead of commercial industrial</p> <p>10 electrical systems.</p> <p>11 Q. Tell me generally what you concentrate on.</p> <p>12 Do you work on buildings?</p> <p>13 A. I work primarily on electrical systems,</p> <p>14 protection of electrical systems. We're considered</p> <p>15 to be experts on every aspect of electrical systems.</p> <p>16 Q. You said protection of electrical systems.</p> <p>17 Would that be like from power surges or lightning</p> <p>18 strikes?</p> <p>19 A. That would be that, that's correct.</p> <p>20 Q. What percentage do you think of your work</p> <p>21 is devoted towards protection of electrical systems?</p> <p>22 A. I would say 50 percent at least.</p> <p>23 Q. All right. So that's your primary focus.</p> <p>24 Is that correct?</p> <p>25 A. That's what we attempt to do.</p>	<p>25</p> <p>1 Q. What about any kind of vehicles or</p> <p>2 automotive equipment?</p> <p>3 A. No.</p> <p>4 Q. Anything other than buildings?</p> <p>5 A. It's basically going to be power systems</p> <p>6 that we've done for whatever, motors that supply</p> <p>7 power to motors or devices or something within a</p> <p>8 facility.</p> <p>9 Q. When you say motors, is that kind of like</p> <p>10 if you were in a plant --</p> <p>11 A. That's right.</p> <p>12 Q. -- and they've got a big old generator or</p> <p>13 something running, that's what you're talking about?</p> <p>14 A. Yes. I'm going to get electrical power to</p> <p>15 power motors or lights or any types of things that</p> <p>16 require electrical service.</p> <p>17 Q. You started with FAA, and then you moved</p> <p>18 back to Baton Rouge and have been here ever since</p> <p>19 doing that same kind of work?</p> <p>20 A. That's correct.</p> <p>21 Q. When were you born?</p> <p>22 A. Nineteen sixty-four.</p> <p>23 Q. And where did you go to college?</p> <p>24 A. I went to the University -- it's now</p> <p>25 University of Louisiana at Lafayette.</p>



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<p>1 figure out some real things if you'd like.</p> <p>2 <b>Q. Let's do that. Do you remember what date</b></p> <p>3 <b>it was that you were first contacted about this</b></p> <p>4 <b>case?</b></p> <p>5 A. About this case right here?</p> <p>6 <b>Q. Yes.</b></p> <p>7 A. I do not remember that date.</p> <p>8 <b>Q. The accident happened September 2nd of '04.</b></p> <p>9 <b>Obviously, it would have been after that. Do you</b></p> <p>10 <b>remember whether it was in the year 2004 or whether</b></p> <p>11 <b>it was in the year 2005?</b></p> <p>12 A. I couldn't tell you that.</p> <p>13 <b>Q. We've got -- this fax from Dr. Robinson is</b></p> <p>14 <b>March of '05. Obviously, it would have been</b></p> <p>15 <b>sometime before then.</b></p> <p>16 A. That's right.</p> <p>17 <b>Q. Does that help you put it in perspective as</b></p> <p>18 <b>far as how soon before this fax was sent that you</b></p> <p>19 <b>were first contacted about this?</b></p> <p>20 A. I got to assume it was maybe a week or two</p> <p>21 before.</p> <p>22 <b>Q. You received a phone call. Did you receive</b></p> <p>23 <b>any documents?</b></p> <p>24 A. I think this is the thing we received after</p> <p>25 that.</p>	<p>30</p> <p>1 and looked at the wiring, looked at things. We have</p> <p>2 pictures here. I looked at the pictures and all the</p> <p>3 stuff that was in this binder that Dr. Robinson gave</p> <p>4 me, and I was able to come up with these findings</p> <p>5 right here.</p> <p>6 DR. ROBINSON:</p> <p>7 When he says pictures, these are not</p> <p>8 pictures I took. These are pictures</p> <p>9 provided by Dr. Robinson, the other Dr.</p> <p>10 Robinson.</p> <p>11 BY MR. BRITTAIN:</p> <p>12 <b>Q. I'm going to go through those in just a</b></p> <p>13 <b>little bit with you. You all had discussions about</b></p> <p>14 <b>that, and I guess in the interim between you</b></p> <p>15 <b>receiving that blue notebook and the time that</b></p> <p>16 <b>Defendant's Exhibit 5 was generated, that's when you</b></p> <p>17 <b>did all that you were telling me about right there?</b></p> <p>18 A. That's correct.</p> <p>19 <b>Q. And then you received this fax right here.</b></p> <p>20 <b>I guess you reviewed this fax and made whatever</b></p> <p>21 <b>changes are on it. Is that correct?</b></p> <p>22 A. That's correct.</p> <p>23 <b>Q. And then did you fax it back to Dr.</b></p> <p>24 <b>Robinson?</b></p> <p>25 A. I must have.</p>
<p>31</p> <p>1 <b>Q. You said this thing. I'm going to mark</b></p> <p>2 <b>that. That will be Exhibit 4 do your deposition.</b></p> <p>3 <b>That's your blue binder that's got everything in it.</b></p> <p>4 A. That's correct.</p> <p>5 <b>Q. I'm going to mark as Exhibit 5 this fax,</b></p> <p>6 <b>this March 30 fax. All right. So the first thing</b></p> <p>7 <b>you do is you get the blue binder, and then what did</b></p> <p>8 <b>you do? Did you review that?</b></p> <p>9 A. I did review that.</p> <p>10 <b>Q. And between the time you reviewed that and</b></p> <p>11 <b>the time you got this fax, did anything take place?</b></p> <p>12 A. We developed a sheet, you know, we went</p> <p>13 through that, and then we developed a sheet right</p> <p>14 here, did some research, tried to find out as much</p> <p>15 as we could about the situation.</p> <p>16 DR. ROBINSON:</p> <p>17 When you say research, please tell the</p> <p>18 counsel in detail what you mean by</p> <p>19 research, whether it was computer or what</p> <p>20 did you do?</p> <p>21 A. We looked at trucks or I looked at trucks.</p> <p>22 I had some brochures I had from Dr. Robinson, and</p> <p>23 looking at things on the internet, and talked to --</p> <p>24 we happened to have at the time a loading dock</p> <p>25 behind us and talked to truckers and went out there</p>	<p>33</p> <p>1 <b>Q. And then did he or his office make the</b></p> <p>2 <b>changes that resulted in what we've marked as</b></p> <p>3 <b>Exhibit 2?</b></p> <p>4 A. That's correct.</p> <p>5 <b>Q. You got any other time in this case other</b></p> <p>6 <b>than that in preparing for your deposition?</b></p> <p>7 A. I know that after this, just because it had</p> <p>8 been a while, I went through and, you know, I spent</p> <p>9 some time in the last couple of days, last couple of</p> <p>10 weeks just going around refreshing myself on the</p> <p>11 situation. Again going to the Kenworth dealer and</p> <p>12 looking at some trucks, looking at the battery</p> <p>13 systems, the wiring, getting some data together, you</p> <p>14 know, looking at this stuff.</p> <p>15 <b>Q. Going to the Kenworth dealer and all that,</b></p> <p>16 <b>that was done after you prepared your report, No. 2?</b></p> <p>17 A. That's right.</p> <p>18 <b>Q. Did you ever do that before you prepared</b></p> <p>19 <b>your report?</b></p> <p>20 A. I did not go to the Kenworth dealer, but I</p> <p>21 did talk to truckers and looked at trucks.</p> <p>22 <b>Q. Do you remember what kind of trucks it was</b></p> <p>23 <b>you looked at?</b></p> <p>24 A. I looked at a T600. I looked at Volvo</p> <p>25 trucks and Freightliners, the other various brands</p>

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<p>50</p> <p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. All right. Back to your report or your</p> <p>4 affidavit. Is this the only thing -- you don't have</p> <p>5 a report, do you?</p> <p>6 A. I've got a very short report that I</p> <p>7 presented earlier.</p> <p>8 DR. ROBINSON:</p> <p>9 That was the project note.</p> <p>10 MR. BRITTAIN:</p> <p>11 I'm going to mark that as Exhibit 6.</p> <p>12 DR. ROBINSON:</p> <p>13 What was No. 5? Was that the</p> <p>14 affidavit?</p> <p>15 MR. BRITTAIN:</p> <p>16 Five is that fax.</p> <p>17 DR. ROBINSON:</p> <p>18 Okay.</p> <p>19 MR. BRITTAIN:</p> <p>20 Four is the book.</p> <p>21 DR. ROBINSON:</p> <p>22 And this is Exhibit No. 6 then, and</p> <p>23 this is the project note.</p> <p>24 MR. BRITTAIN:</p> <p>25 Right.</p>	<p>52</p> <p>1 by Dr. Robinson.</p> <p>2 Q. Let me see what you've got there.</p> <p>3 A. Some general brochures. One of them is for</p> <p>4 a W900 Kenworth, and one is for a T800 Kenworth. Is</p> <p>5 that right?</p> <p>6 A. That's correct.</p> <p>7 Q. These were provided to you by Dr. Robinson?</p> <p>8 A. That's correct.</p> <p>9 Q. Dr. Robinson or Attorney Robinson?</p> <p>10 DR. ROBINSON:</p> <p>11 Attorney Robinson.</p> <p>12 BY MR. BRITTAIN:</p> <p>13 Q. And then you have another one in your blue</p> <p>14 book right there. Is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. And what is that for?</p> <p>17 A. Interiors and sleepers. I didn't really</p> <p>18 use that.</p> <p>19 Q. What did you say, this was a T600 involved</p> <p>20 in this accident?</p> <p>21 A. From what I understand it was a T600.</p> <p>22 Q. When did you get these two provided by</p> <p>23 Attorney Robinson?</p> <p>24 A. I got them when I got this right here.</p> <p>25 Q. Will you stick these in that book, too, and</p>
<p>51</p> <p>1 BY MR. BRITTAIN:</p> <p>2 Q. Other than the affidavit and the project</p> <p>3 note, are there any other reports, or affidavits, or</p> <p>4 anything else that you plan on using or that you</p> <p>5 developed?</p> <p>6 A. I plan on using the brochures that were --</p> <p>7 that I had.</p> <p>8 Q. I'm going to get to that in a second.</p> <p>9 Other than what you've generated. I'm just talking</p> <p>10 about what you've generated.</p> <p>11 A. No, that's it.</p> <p>12 DR. ROBINSON:</p> <p>13 Attorney Brittain, could I just ask</p> <p>14 you did you give an exhibit number to the</p> <p>15 affidavit yet? I didn't get that.</p> <p>16 MR. BRITTAIN:</p> <p>17 Number 2.</p> <p>18 BY MR. BRITTAIN:</p> <p>19 Q. Do you have a copy of -- you just mentioned</p> <p>20 some Kenworth materials?</p> <p>21 A. That's correct.</p> <p>22 Q. Do you have a copy of those?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Is that in your book?</p> <p>25 A. I took them out. These were provided to me</p>	<p>53</p> <p>1 let's get a copy of those?</p> <p>2 A. (Complied with request.)</p> <p>3 Q. In your affidavit you state that your</p> <p>4 opinions and conclusions are based upon standard</p> <p>5 methodologies accepted and utilized throughout the</p> <p>6 electrical engineering profession. What standard</p> <p>7 methodologies are we talking about?</p> <p>8 A. We're going to talk about -- we're going to</p> <p>9 examine the way the wires are mounted in the truck.</p> <p>10 We're going to just go look at things about</p> <p>11 batteries. We're going to try to look at everything</p> <p>12 that's in there, that kind of thing.</p> <p>13 Q. Okay. Standard methodology, I know like</p> <p>14 for accountants they have the generally accepted</p> <p>15 accounting principles. Is there anything like that</p> <p>16 in the electrical engineering field?</p> <p>17 A. We have the National Electric Code. That's</p> <p>18 just something we just go through to make sure</p> <p>19 everything is done safely. Trucking industry is</p> <p>20 going to put that in. They're going to do that.</p> <p>21 They're going to meet all those qualifications.</p> <p>22 Being that I don't have the truck to look at, I'm</p> <p>23 going to go and make sure those things are met,</p> <p>24 which the trucking industry is going to meet, and</p> <p>25 then I'm going to use my own experience and go</p>



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<p>54</p> <p>1 through and say what I know from the electrical</p> <p>2 world applies and what I know from my own experience</p> <p>3 investigating or looking at, troubleshooting things,</p> <p>4 how does that apply.</p> <p>5 <b>Q. Does that go the same with respect to the</b></p> <p>6 --</p> <p>7 A. Which one?</p> <p>8 <b>Q. -- concept? What you just told me about</b></p> <p>9 <b>the standard methodologies.</b></p> <p>10 A. That's right.</p> <p>11 <b>Q. Would that be the same with respect to any</b></p> <p>12 <b>accepted concepts?</b></p> <p>13 A. That's correct.</p> <p>14 <b>Q. As far as the opinions you're going to</b></p> <p>15 <b>offer today, what you've given me here in Exhibit 6</b></p> <p>16 <b>and what you've given me I've marked as Exhibit 2,</b></p> <p>17 <b>is that going to encompass all of the opinions that</b></p> <p>18 <b>you're going to offer?</b></p> <p>19 A. That's it.</p> <p>20 <b>Q. There will be no opinions in addition to</b></p> <p>21 <b>what we've been provided with there?</b></p> <p>22 A. No.</p> <p>23 <b>Q. All right. Let's go through your</b></p> <p>24 <b>affidavit. Number 6 here says -- well, hold on,</b></p> <p>25 <b>before we do that let me see that book real quick.</b></p>	<p>56</p> <p>1 received if I remember correctly is this statement</p> <p>2 right here, and my affidavit, and my marked up</p> <p>3 affidavit. That's the only thing.</p> <p>4 <b>Q. Who is they?</b></p> <p>5 A. The Robinsons.</p> <p>6 <b>Q. Have you had any dealings with Henry Penick</b></p> <p>7 <b>other than when he sent you that letter about your</b></p> <p>8 <b>deposition and the affidavits?</b></p> <p>9 A. That was it.</p> <p>10 <b>Q. Let me show you what I'm going to mark as</b></p> <p>11 <b>Exhibit 7. This appears to be a fax from LAPTEC to</b></p> <p>12 <b>Attorney Robinson.</b></p> <p>13 A. We developed some questions that we wanted</p> <p>14 to ask. Basically it was this fax and then we had</p> <p>15 this right here.</p> <p>16 <b>Q. Let me see what you got there.</b></p> <p>17 A. (Tendering document.)</p> <p>18 MR. BRITTAIN:</p> <p>19 Can you make me a copy of this?</p> <p>20 DR. ROBINSON:</p> <p>21 Yes.</p> <p>22 (Off-the-record.)</p> <p>23 BY MR. BRITTAIN:</p> <p>24 <b>Q. Exhibit 7 was a fax that was sent by you to</b></p> <p>25 <b>Attorney Robinson on March 28, '05 where you had</b></p>
<p>55</p> <p>1 DR. ROBINSON:</p> <p>2 Yes, sir.</p> <p>3 BY MR. BRITTAIN:</p> <p>4 <b>Q. All right. Looks like Mr. Penick has also</b></p> <p>5 <b>provided you with a copy of the affidavits of Edward</b></p> <p>6 <b>Thompson and David --</b></p> <p>7 A. That's right.</p> <p>8 <b>Q. Both of them?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. Thompson and Tidwell?</b></p> <p>11 A. That's two copies of that.</p> <p>12 <b>Q. He provided you with a letter giving you</b></p> <p>13 <b>the notice of your deposition?</b></p> <p>14 A. Correct.</p> <p>15 <b>Q. And the rest of this book looks like to me</b></p> <p>16 <b>the same thing that you all gave us.</b></p> <p>17 DR. ROBINSON:</p> <p>18 Yes.</p> <p>19 A. Right.</p> <p>20 BY MR. BRITTAIN:</p> <p>21 <b>Q. Do you have a file of your own which would</b></p> <p>22 <b>have any kind of correspondence that you sent to</b></p> <p>23 <b>either Mr. Penick or Attorney Robinson or Dr.</b></p> <p>24 <b>Robinson?</b></p> <p>25 A. I think they -- the only things they</p>	<p>57</p> <p>1 some questions that you needed answers to. Is that</p> <p>2 right?</p> <p>3 A. That's right.</p> <p>4 DR. ROBINSON:</p> <p>5 What was the date, March 27?</p> <p>6 MR. BRITTAIN:</p> <p>7 March 28. When we get those copies</p> <p>8 I'm going to mark those as Exhibit 8.</p> <p>9 BY MR. BRITTAIN:</p> <p>10 <b>Q. Do you think there might be any other</b></p> <p>11 <b>correspondence between you and --</b></p> <p>12 A. I know there was a follow-up to that right</p> <p>13 there.</p> <p>14 <b>Q. All right. Basically they responded to the</b></p> <p>15 <b>questions. I sent them some questions and they</b></p> <p>16 <b>responded to the questions.</b></p> <p>17 DR. ROBINSON:</p> <p>18 <b>And could you emphasize who "them" was</b></p> <p>19 <b>so we won't confuse Dr. Robinson with me,</b></p> <p>20 <b>Attorney Robinson?</b></p> <p>21 A. How about I sent this to Dr. Robinson.</p> <p>22 DR. ROBINSON:</p> <p>23 That's to me.</p> <p>24 A. And then I got a response from Dr.</p> <p>25 Robinson.</p>

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<p>58</p> <p>1 DR. ROBINSON:</p> <p>2 From Dr. Robinson the expert?</p> <p>3 A. Right.</p> <p>4 MR. BRITTAIN:</p> <p>5 If I could see that, please I believe</p> <p>6 I do have a copy of this. Actually I</p> <p>7 don't. I don't have all that. If I could</p> <p>8 get a copy of that. Let me see this here,</p> <p>9 too, and make sure I've got that.</p> <p>10 BY MR. BRITTAIN:</p> <p>11 Q. I'm going to mark as Exhibit 8, this is</p> <p>12 actually, it's the same cover sheet fax as Exhibit</p> <p>13 7, but it's also got questions that you needed some</p> <p>14 answers to. Is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. And I'm going to go ahead and mark these</p> <p>17 while we've got them Exhibit 9. If you'll tell me</p> <p>18 what Exhibit 9 is.</p> <p>19 A. Apparently this was a cover letter to the</p> <p>20 affidavit, the original affidavit I got. This looks</p> <p>21 like a correspondence that I had, what I used to</p> <p>22 come up with the affidavit.</p> <p>23 Q. Right now you're referring to the second</p> <p>24 page of Exhibit 9?</p> <p>25 A. Yes.</p>	<p>60</p> <p>1 through the questions that you had. This was</p> <p>2 actually looks like an e-mail that was sent from</p> <p>3 Brent Evans to you, and then you forwarded that on</p> <p>4 to Attorney Robinson. Is that right?</p> <p>5 A. That's correct.</p> <p>6 Q. Photograph of the condition of the</p> <p>7 batteries. Tell me what you needed that information</p> <p>8 for.</p> <p>9 A. We just wanted to see what the batteries</p> <p>10 looked like.</p> <p>11 Q. Why is that important?</p> <p>12 A. The batteries are the primary source of --</p> <p>13 the only source of electricity for the truck outside</p> <p>14 of the generator.</p> <p>15 Q. And all of these nine items right here, I</p> <p>16 guess these are all important facts that you need to</p> <p>17 know in order to develop an accurate opinion. Is</p> <p>18 that fair to say?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Close-up -- No. 2 is a close-up</p> <p>21 photograph of the dashboard control panel for</p> <p>22 lighting control. We need to be able to see the</p> <p>23 name plates above the toggle switches. Explain to</p> <p>24 me what you mean by all that.</p> <p>25 A. We wanted to look at the switches. At the</p>
<p>59</p> <p>1 Q. And then what's the third page of Exhibit</p> <p>2 9?</p> <p>3 A. And this is the questions I had.</p> <p>4 Q. What's the fourth page?</p> <p>5 A. Just the transmittal.</p> <p>6 Q. Now, what I've marked as Exhibit 10, what</p> <p>7 is that?</p> <p>8 A. This is my statement which I faxed to the</p> <p>9 Robinsons.</p> <p>10 Q. Now, if I could see the documents that I</p> <p>11 marked, that one you got in your hand right there,</p> <p>12 this right here. You can hang on to No. 2. Has</p> <p>13 Brent Evans done any work on this case?</p> <p>14 A. We've discussed it.</p> <p>15 Q. All right.</p> <p>16 Q. Is there anything that he's done that</p> <p>17 you're going to rely upon in --</p> <p>18 A. No.</p> <p>19 Q. And let me make sure we're clear. You knew</p> <p>20 what I was going to say. You knew the question was</p> <p>21 coming before I got through. But you're not going</p> <p>22 to rely on anything he has done in forming your</p> <p>23 opinions?</p> <p>24 A. That's correct.</p> <p>25 Q. All right. Let's go through, I want to go</p>	<p>61</p> <p>1 time I didn't know exactly what was going on; but</p> <p>2 maybe we were going to assume we could look at the</p> <p>3 switches and see what state they were in.</p> <p>4 Q. What switches are you talking about?</p> <p>5 A. The switches that control lighting.</p> <p>6 Q. Would that be the control panel within the</p> <p>7 cab that the driver would use?</p> <p>8 A. That's right.</p> <p>9 Q. You're going to have to explain this to me</p> <p>10 in pretty basic terms.</p> <p>11 A. No problem.</p> <p>12 Q. Why was it important that you needed to see</p> <p>13 that?</p> <p>14 A. We felt that might have some affect on</p> <p>15 forming our opinion.</p> <p>16 Q. Explain that to me.</p> <p>17 A. We would just like to look at the switches.</p> <p>18 If they had been used, what state would they be in?</p> <p>19 Would they be on or off? As we got further on we</p> <p>20 don't know if that affects it as much, our opinion</p> <p>21 of what's going on.</p> <p>22 Q. Explain to me the reason why that is while</p> <p>23 we're at it. I will forget to ask you later.</p> <p>24 A. It got rammed. From what I understand it</p> <p>25 got hit with the Peterbilt truck afterwards. I</p>



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<p>62</p> <p>1 think after the Peterbilt hit it I've got to guess</p> <p>2 that everything is -- all bases are off after the,</p> <p>3 you know, after it got hit by the truck.</p> <p>4 <b>Q. What do you mean by that?</b></p> <p>5 A. I don't know what affect that would have on</p> <p>6 the switches.</p> <p>7 <b>Q. Do you know what affect that a rollover</b></p> <p>8 <b>would have on those switches?</b></p> <p>9 A. I would tend to think at this point that</p> <p>10 the switches were pretty sticky.</p> <p>11 <b>Q. Now, you think that an impact would have I</b></p> <p>12 <b>guess messed everything up so bad that you can't</b></p> <p>13 <b>really tell anything, but a rollover would not have</b></p> <p>14 <b>that affect?</b></p> <p>15 A. I can't say that.</p> <p>16 <b>Q. I'm trying to understand what you just told</b></p> <p>17 <b>me though.</b></p> <p>18 A. This is what I have to -- from what I</p> <p>19 understand the impact tore the cab off the truck.</p> <p>20 <b>Q. How did you come to that understanding?</b></p> <p>21 A. I got that off -- I read that someplace.</p> <p>22 <b>Q. Do you remember where you read that?</b></p> <p>23 A. I must have read it off the Dr. Robinson</p> <p>24 report. Then all bets are off on what state the</p> <p>25 switches were or anything at that point.</p>	<p>64</p> <p>1 A. No.</p> <p>2 <b>Q. Would you agree with me that that would</b></p> <p>3 <b>tend to indicate that there was some pretty</b></p> <p>4 <b>significant force going on on this rollover</b></p> <p>5 <b>collision if that's the number one cause of</b></p> <p>6 <b>death --</b></p> <p>7 A. I don't know that --</p> <p>8 DR. ROBINSON:</p> <p>9 Object. You're asking questions</p> <p>10 outside of his expertise, Counsel. Calls</p> <p>11 for speculation.</p> <p>12 BY MR. BRITTAIN:</p> <p>13 <b>Q. Let me make sure I understand. You're</b></p> <p>14 <b>saying that the photograph of the dashboard control</b></p> <p>15 <b>panels, you're not as concerned with that any more</b></p> <p>16 <b>because the destruction that would have been caused</b></p> <p>17 <b>by the impact would have been so severe that it</b></p> <p>18 <b>wouldn't be helpful?</b></p> <p>19 A. Yes. Nobody can say what the impact would</p> <p>20 have done to the switches.</p> <p>21 <b>Q. And I guess the same could be said with</b></p> <p>22 <b>respect to the rollover, too. Is that right?</b></p> <p>23 A. I don't know.</p> <p>24 <b>Q. Number 3 here says, Were the lights turned</b></p> <p>25 <b>off by anyone at the scene? Why is that important?</b></p>
<p>63</p> <p>1 <b>Q. What's your understanding -- so I guess</b></p> <p>2 <b>based on the force of the impact between the</b></p> <p>3 <b>Peterbilt and the Kenworth, is that what you're</b></p> <p>4 <b>telling me?</b></p> <p>5 A. From the cab being torn off the trailer</p> <p>6 from what I understand. From what I understand. I</p> <p>7 don't know exactly where I got that from right at</p> <p>8 this point. I can't say what happened after that.</p> <p>9 <b>Q. But you've never investigated an 18 wheeler</b></p> <p>10 <b>that's rolled over before, have you?</b></p> <p>11 A. That's correct.</p> <p>12 <b>Q. You don't know what kind of force is</b></p> <p>13 <b>involved in a rollover event, do you?</b></p> <p>14 A. I do not know.</p> <p>15 <b>Q. Are you aware of the fact that many times</b></p> <p>16 <b>people are killed in a rollover when a truck rolls</b></p> <p>17 <b>over? Are you aware of that?</b></p> <p>18 A. You're telling it to me.</p> <p>19 <b>Q. Did you know that that happens?</b></p> <p>20 A. I can't say that I knew that or don't know</p> <p>21 that.</p> <p>22 <b>Q. I'll represent to you that when we took</b></p> <p>23 <b>Trooper Patterson's deposition he said that is the</b></p> <p>24 <b>most common cause of fatalities in trucking wrecks</b></p> <p>25 <b>is rollovers. Were you aware of that?</b></p>	<p>65</p> <p>1 A. I just want to know. Clearly that would</p> <p>2 indicate that the lights were on.</p> <p>3 <b>Q. Number 4, What was the position of the key</b></p> <p>4 <b>in the ignition at the scene. What does that mean?</b></p> <p>5 A. We were just -- at that point we didn't</p> <p>6 quite know everything involved so we wanted to know</p> <p>7 was the truck running, was it not running? Now we</p> <p>8 know that with the truck off it doesn't have any</p> <p>9 affect on the lights.</p> <p>10 <b>Q. So No. 4 doesn't matter?</b></p> <p>11 A. That's right.</p> <p>12 <b>Q. Number 5, What is the condition of the</b></p> <p>13 <b>lights on the truck and trailer now? Do the lights</b></p> <p>14 <b>appear to be intact and functional? Tell me why</b></p> <p>15 <b>that's important.</b></p> <p>16 A. Obviously, that's going to affect if the</p> <p>17 lights can be used or not after the impact or</p> <p>18 whatever. This is our initial question trying to</p> <p>19 find out what went on so we could formulate our</p> <p>20 opinion.</p> <p>21 <b>Q. Is that still something that you think as</b></p> <p>22 <b>we sit here today is pretty important to know?</b></p> <p>23 A. It would be nice to know.</p> <p>24 <b>Q. Number 6, What is the type and manufacture</b></p> <p>25 <b>of each battery? Tell me why you need to know that.</b></p>



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<p style="text-align: right;">66</p> <p>1 A. Just wanted to be able to do some research 2 on the batteries. That's all.</p> <p>3 <b>Q. And is that, as we sit here today, still 4 something that's important in formulating your 5 opinion?</b></p> <p>6 A. I think all batteries generally from my 7 experience are fairly similar. So they're going to 8 be built the same. They're going to be able to 9 withstand a certain minimal amount of pressure 10 that's going to be -- I think it might even be 11 regulated. I can't say that for sure. I expect any 12 battery that would be used would be similar.</p> <p>13 <b>Q. So No. 6, that doesn't really matter any 14 more?</b></p> <p>15 A. At this point I don't think it matters.</p> <p>16 <b>Q. Number 7, What was the condition of the 17 wire harness feeding the lighting at the scene? 18 First of all, tell me what you're asking for there.</b></p> <p>19 A. We just wanted to -- did anybody look at 20 the wire? That's basically all we wanted to know.</p> <p>21 <b>Q. Wire between what?</b></p> <p>22 A. Wiring is the life blood of the electrical 23 system. If there was something mangled or something 24 odd about the wiring we would like to know that so 25 that we could formulate our opinion.</p>	<p style="text-align: right;">68</p> <p>1 <b>Q. Have you seen anything in the police report 2 that indicates that at the time of impact all the 3 lights were on?</b></p> <p>4 A. No.</p> <p>5 <b>Q. It says, Therefore, it is permissible to 6 state given the state police findings it is more 7 probable than not that the ignition switch and 8 lights and battery were on and properly functioning. 9 Did this have anything to do with your 10 opinion that the lights were on and functioning at 11 the time of impact?</b></p> <p>12 A. No.</p> <p>13 <b>Q. Page No. 5 to Exhibit 11 appears to be -- 14 are those the responses that you got back from 15 Robinson and Associates?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. And that addresses each of the questions 18 that you asked. Is that correct?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. And it looks like there are ten answers. 21 There were nine questions. We'll have to figure out 22 what the difference was. Let's just go through 23 whatever questions were asked. Number 1 on Dr. 24 Robinson's letter says, Do all of the lights stay on 25 when the ignition is turned off? And they told you</b></p>
<p style="text-align: right;">67</p> <p>1 <b>Q. And you're talking about the wiring 2 throughout the tractor?</b></p> <p>3 A. That's correct.</p> <p>4 <b>Q. Number 8 says, Have the light switch 5 positions been changed since the accident? What 6 does that mean?</b></p> <p>7 A. I think that was -- the original question 8 we were asking about, it would fall in the same vein 9 as that. We just wanted to know if somebody 10 operated the lights and if they were on.</p> <p>11 <b>Q. Number 9, What was the approximate period 12 between the rollover and the collision? Tell me why 13 that is important.</b></p> <p>14 A. We just want to know what actually 15 happened.</p> <p>16 A. I just -- I was just trying to gain more 17 information about what went on, really.</p> <p>18 <b>Q. All right. Then looks like in response to 19 that -- let me look at this a second. Number 11 20 here is a fax from Attorney Robinson to you and 21 Brent Evans that says, Alabama State Police report 22 confirms everything was working on both vehicles and 23 all lights were on. Do you know where that 24 information came from?</b></p> <p>25 A. No.</p>	<p style="text-align: right;">69</p> <p>1 that, All lights should stay on, similar to an 2 automobile.</p> <p>3 <b>Were you not aware of that fact when you 4 posed that question to them?</b></p> <p>5 A. I was not aware of that.</p> <p>6 <b>Q. Have you done any kind of investigating on 7 your own to determine whether or not that is in fact 8 the case?</b></p> <p>9 A. You'll have the -- we do have some 10 schematics that I obtained later on after that that 11 it's just like a car.</p> <p>12 <b>Q. Is that what you got in the last couple of 13 weeks?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. Photograph of the condition of the 16 batteries. And they told you that, We do not 17 normally photograph batteries and did not do so in 18 this case. Further, the engine compartment was 19 inaccessible when the tractor was inspected, blah, 20 blah, blah.</b></p> <p>21 <b>So you've never seen any photographs of the 22 battery. Is that correct?</b></p> <p>23 A. No.</p> <p>24 <b>Q. And it's important that you know what 25 condition the batteries were in because that would</b></p>



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<p>78</p> <p>1 copy of this back?</p> <p>2 DR. ROBINSON:</p> <p>3 Let us make a copy of it first, and</p> <p>4 then you can mark it.</p> <p>5 (Off-the-record.)</p> <p>6 BY MR. BRITTAIN:</p> <p>7 <b>Q. I'm going to mark this as 11. I want you</b></p> <p>8 <b>to take my pen and draw on here the wire that you</b></p> <p>9 <b>were just talking about that was the most . . .</b></p> <p>10 A. (Complied with request.)</p> <p>11 <b>Q. And what does that wire run from and to?</b></p> <p>12 A. I don't know.</p> <p>13 <b>Q. Do you even know if it has anything to do</b></p> <p>14 <b>with the lights?</b></p> <p>15 A. No, I don't know if it has anything to do</p> <p>16 with that. My contention is that on the rollover</p> <p>17 this right here is usually going to be one of the</p> <p>18 things that impacts the ground. And even after</p> <p>19 getting hit by the Peterbilt, this right here, which</p> <p>20 was probably one of the points rubbing on the</p> <p>21 ground, seems to me that it would have, by all of</p> <p>22 this damage right here that this is still in good</p> <p>23 shape.</p> <p>24 <b>Q. What you're saying is that one way for the</b></p> <p>25 <b>wiring to be destroyed or the lights would be if the</b></p>	<p>80</p> <p>1 <b>the model T600 brochure?</b></p> <p>2 A. I did get a T600 brochure off the internet.</p> <p>3 <b>Q. Does that have the schematics of the</b></p> <p>4 <b>wiring?</b></p> <p>5 A. No. I think it's got the same pictures.</p> <p>6 DR. ROBINSON:</p> <p>7 The same schematic.</p> <p>8 MR. BRITTAIN:</p> <p>9 If you will, will you -- I'm going to</p> <p>10 need a copy of that, too.</p> <p>11 DR. ROBINSON:</p> <p>12 Could we do -- all of these or just</p> <p>13 the pertinent pages?</p> <p>14 MR. BRITTAIN:</p> <p>15 I do want the whole thing.</p> <p>16 DR. ROBINSON:</p> <p>17 Let me go and make the whole thing</p> <p>18 then.</p> <p>19 (Off-the-record.)</p> <p>20 BY MR. BRITTAIN:</p> <p>21 <b>Q. The schematic that you're showing me there,</b></p> <p>22 <b>that's the connection of the --</b></p> <p>23 A. This is the way they -- the wiring and all</p> <p>24 of their devices are contained within the C beam.</p> <p>25 <b>Q. In the trailer?</b></p>
<p>79</p> <p>1 <b>truck slid along its side and the contact between</b></p> <p>2 <b>the wire and the pavement basically destroyed the</b></p> <p>3 <b>connection?</b></p> <p>4 A. What I'm saying is if the wire, the wire is</p> <p>5 held securely in the truck and being -- it would</p> <p>6 stay there. Being this was at a point where it</p> <p>7 would be most apt from what I can see to be in</p> <p>8 contact with the ground, it was protected enough</p> <p>9 that any other wiring within the truck would</p> <p>10 probably not be damaged from this exhibit right</p> <p>11 here for lack of a better word.</p> <p>12 <b>Q. There wasn't any wiring at all damaged in</b></p> <p>13 <b>the truck is what you're saying?</b></p> <p>14 A. I don't know that.</p> <p>15 <b>Q. The wiring that you and I just went over</b></p> <p>16 <b>that's -- tell me what model we were looking at.</b></p> <p>17 A. We were talking about a T800.</p> <p>18 <b>Q. That's not the tractor that was involved in</b></p> <p>19 <b>this accident, is it?</b></p> <p>20 A. No, that's not it.</p> <p>21 <b>Q. Do you know whether the tractor that was</b></p> <p>22 <b>involved in this is wired the same way as that</b></p> <p>23 <b>tractor?</b></p> <p>24 A. I don't know that. I assume so.</p> <p>25 <b>Q. Is there any reason why you haven't gotten</b></p>	<p>81</p> <p>1 A. That's right.</p> <p>2 <b>Q. What about in the tractor?</b></p> <p>3 A. The tractor, I know that it's got, from</p> <p>4 what I can remember from just looking, it's got all</p> <p>5 of the wiring contained within basically the metal</p> <p>6 parts within the trailer protected from the</p> <p>7 environment, things like that. It also has kind of</p> <p>8 a bungee cord type attachment with some locked hubs.</p> <p>9 <b>Q. And that's based on you opening up the hood</b></p> <p>10 <b>of some of these tractor trailers?</b></p> <p>11 A. Just looking at them.</p> <p>12 <b>Q. Would that be I guess early on when you</b></p> <p>13 <b>would look at the ones that would pull up where you</b></p> <p>14 <b>all were, or is that from your inspection of the</b></p> <p>15 <b>Kenworths at the Kenworth dealership?</b></p> <p>16 A. It would be early on.</p> <p>17 <b>Q. And you don't know whether on the tractors</b></p> <p>18 <b>you had been looking at there whether any changes</b></p> <p>19 <b>had been made to that, do you, to those tractors?</b></p> <p>20 A. I can't say specifically about the tractor</p> <p>21 that Mr. Morris was driving.</p> <p>22 <b>Q. You have no idea what the wiring was like</b></p> <p>23 <b>in the tractor of Mr. Morris?</b></p> <p>24 A. No, that is correct.</p> <p>25 DR. ROBINSON:</p>



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<p style="text-align: right;">82</p> <p>1           Insofar as the question that you just</p> <p>2           asked, in all fairness to the witness, the</p> <p>3           question he asked is did you know anything</p> <p>4           about the wiring of that particular truck</p> <p>5           or did you have the opportunity to look in</p> <p>6           the schematics or either on your computer</p> <p>7           at the wiring for that truck model?</p> <p>8           A. Yes.</p> <p>9           MR. BRITTAIN:</p> <p>10          That wasn't my question.</p> <p>11          MR. BRITTAIN:</p> <p>12          My question is whatever it is. It</p> <p>13          will read back whatever it was.</p> <p>14          DR. ROBINSON:</p> <p>15          But the point is, so the witness's</p> <p>16          response can be clarified and understood --</p> <p>17          MR. BRITTAIN:</p> <p>18          Let the witness testify. I'd like him</p> <p>19          to tell me that, you know, as opposed to</p> <p>20          you telling me that.</p> <p>21          DR. ROBINSON:</p> <p>22          We don't want to mislead the court on</p> <p>23          what the witness's testimony is.</p> <p>24          BY MR. BRITTAIN:</p> <p>25          <b>Q. Did you understand the question I asked you</b></p>	<p style="text-align: right;">84</p> <p>1           A. I'm sure that's the latest.</p> <p>2           <b>Q. Two thousand six?</b></p> <p>3           A. Their latest brochure on that truck, so</p> <p>4           it's 2006.</p> <p>5           <b>Q. And what year model was Mr. Morris driving?</b></p> <p>6           A. I understand it was a 1998.</p> <p>7           <b>Q. You don't know what, if any, changes have</b></p> <p>8           <b>been made in the design between Exhibit No. 12 and</b></p> <p>9           <b>the one he was driving?</b></p> <p>10          A. No.</p> <p>11          <b>Q. What I was going to ask you -- continue.</b></p> <p>12          <b>Tell me everything else. So far we've gone over the</b></p> <p>13          <b>plate system or whatever that holds the batteries</b></p> <p>14          <b>down and the wire right there. Is there anything</b></p> <p>15          <b>else?</b></p> <p>16          A. The other thing I looked at was this</p> <p>17          headlight right here, which apparently --</p> <p>18          <b>Q. Go ahead and draw on it. Is that mine?</b></p> <p>19          <b>Here, use mine.</b></p> <p>20          A. This headlight right here is still intact.</p> <p>21          Even though it's not where it was, the lights are</p> <p>22          still intact from what I can see right there. So</p> <p>23          these lights are not damaged from what I can see</p> <p>24          right here. The glass is not cracked or anything</p> <p>25          like that. The other thing is we had some shots of</p>
<p style="text-align: right;">83</p> <p>1           earlier?</p> <p>2           A. Please restate the question.</p> <p>3           <b>Q. Like I told you early on, if for some</b></p> <p>4           <b>reason I ask you a question that doesn't make sense</b></p> <p>5           <b>you tell me that. I want to make sure we're on the</b></p> <p>6           <b>same page. But you have no earthly idea of what the</b></p> <p>7           <b>wiring was like in the Kenworth Mr. Morris was</b></p> <p>8           <b>driving at the time of this accident, do you?</b></p> <p>9           DR. ROBINSON:</p> <p>10          The particular truck you're saying,</p> <p>11          Mr. Brittain?</p> <p>12          MR. BRITTAIN:</p> <p>13          Yes, the Kenworth he was driving at</p> <p>14          the time of this accident.</p> <p>15          A. That's right, I can't.</p> <p>16          DR. ROBINSON:</p> <p>17          Here are the pictures back from the</p> <p>18          model of the truck that Mr. Morris was</p> <p>19          driving. Is that right?</p> <p>20          A. This is the current brochure regarding the</p> <p>21          T600, which I believe is what Mr. Morris was</p> <p>22          driving.</p> <p>23          BY MR. BRITTAIN:</p> <p>24          <b>Q. This is Exhibit 12. What year model is</b></p> <p>25          <b>this?</b></p>	<p style="text-align: right;">85</p> <p>1           bulbs right here that are in the cab and they're --</p> <p>2           all of their filaments are still intact.</p> <p>3           DR. ROBINSON:</p> <p>4           Filaments still intact.</p> <p>5           BY MR. BRITTAIN:</p> <p>6           <b>Q. All right. Is there anything else?</b></p> <p>7           A. That doesn't look like it's intact but it</p> <p>8           is. We can get a better shot if you'd like.</p> <p>9           <b>Q. Put a star on this page that you're talking</b></p> <p>10          <b>about.</b></p> <p>11          A. (Complied with request.)</p> <p>12          <b>Q. Is there anything else other than what</b></p> <p>13          <b>you've gone over with me right now that from a</b></p> <p>14          <b>factual standpoint or in any way you contend</b></p> <p>15          <b>supports your opinion that the lights were on after</b></p> <p>16          <b>the rollover?</b></p> <p>17          A. The only other thing I think at this point</p> <p>18          is basically two things. I did get schematics of</p> <p>19          this, and the lights, and the marker lights, and the</p> <p>20          trailer lights, I can give you that, are all on</p> <p>21          different circuits. So that would lend to more</p> <p>22          reliability on the electrical system. So that would</p> <p>23          to me show the fact that there's better chances of</p> <p>24          lights being on.</p> <p>25          <b>Q. You're telling me that the tractor lights</b></p>



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<p style="text-align: right;">86</p> <p>1 <b>and the trailer lights are on different systems?</b></p> <p>2 A. They're all powered from the same stuff,</p> <p>3 but the wiring that goes out --</p> <p>4 DR. ROBINSON:</p> <p>5 I'll be happy to make a copy of that</p> <p>6 after you identify it.</p> <p>7 A. For example, we have a number of circuits</p> <p>8 here, and there's different head lamps, flood lamps,</p> <p>9 parking tail lamps, sign lamps, different circuits.</p> <p>10 So that would lend more reliability in the wiring</p> <p>11 system.</p> <p>12 BY MR. BRITTAIN:</p> <p>13 <b>Q. Where did you get a copy of this?</b></p> <p>14 A. I got this from Kenworth.</p> <p>15 <b>Q. Is that for the '96 T600?</b></p> <p>16 A. That's for this VIN model.</p> <p>17 <b>Q. The '98?</b></p> <p>18 A. That's right.</p> <p>19 <b>Q. You're going to have to explain that to me.</b></p> <p>20 <b>When you say they're on different circuits, how many</b></p> <p>21 <b>different circuits are there?</b></p> <p>22 A. I don't know how many circuits there are.</p> <p>23 I guess I could count them right here, but there's</p> <p>24 -- basically these little half little moon shapes,</p> <p>25 those are circuit breakers. And then I go down</p>	<p style="text-align: right;">88</p> <p>1 <b>DR. ROBINSON:</b></p> <p>2 <b>We do have lunch if anybody wants to</b></p> <p>3 <b>take a break or grab something and bring it</b></p> <p>4 <b>in.</b></p> <p>5 A. The batteries are not shown on here.</p> <p>6 BY MR. BRITTAIN:</p> <p>7 <b>Q. The batteries aren't shown on this?</b></p> <p>8 A. No, they're not. And the reason that they</p> <p>9 probably didn't show them is because the batteries</p> <p>10 are like a backup system. It's a DC system. The</p> <p>11 motor generates electricity, the battery generates</p> <p>12 electricity.</p> <p>13 <b>Q. Where on here is the I guess the main power</b></p> <p>14 <b>source?</b></p> <p>15 A. You have some buss bars right here.</p> <p>16 <b>Q. Do me a favor. I need you to mark it on my</b></p> <p>17 <b>exhibit. If you'll circle.</b></p> <p>18 A. Right here we have what we call a battery</p> <p>19 buss bar, b-u-s-s, and that's going to be the point</p> <p>20 where all these devices come out, similar to a panel</p> <p>21 in your house.</p> <p>22 <b>Q. Let me stop you there. What all is hooked</b></p> <p>23 <b>up to that battery buss bar?</b></p> <p>24 A. We have a number of spare breakers that can</p> <p>25 be used for things, stop lamps, horn, marker lamps,</p>
<p style="text-align: right;">87</p> <p>1 through here and it says head lamps, flood lamps,</p> <p>2 parking tail lamps, sign lamps. These are different</p> <p>3 circuits, and now we can just follow the wiring out</p> <p>4 to different lamps. So these come out in different</p> <p>5 places.</p> <p>6 <b>Q. Where is the battery?</b></p> <p>7 A. The battery, let's see, I believe they show</p> <p>8 the battery box in this drawing right here, and then</p> <p>9 they move off into there's a circuit breaker box</p> <p>10 contained within the structure.</p> <p>11 <b>Q. All right. I want you to circle -- well,</b></p> <p>12 <b>go ahead, let's get a copy of that.</b></p> <p>13 <b>DR. ROBINSON:</b></p> <p>14 <b>What exhibit would this be?</b></p> <p>15 <b>MR. BRITTAIN:</b></p> <p>16 <b>Thirteen.</b></p> <p>17 A. I have one more thing and then that will be</p> <p>18 it.</p> <p>19 BY MR. BRITTAIN:</p> <p>20 <b>Q. We're going to mark this as Exhibit 13.</b></p> <p>21 <b>Tell me again what this is.</b></p> <p>22 A. I believe this right here is kind of a</p> <p>23 basic wiring harness right here.</p> <p>24 <b>Q. All right. Take my pen on Exhibit 13 and</b></p> <p>25 <b>circle where the battery is.</b></p>	<p style="text-align: right;">89</p> <p>1 I can't read this one, radio, spot lamps. I don't</p> <p>2 know what that one is. F-O-B lamps, head lamps,</p> <p>3 flood lamps, PK/TO, which would be parking tail</p> <p>4 lights. Then there's sign lamps, terminal strip,</p> <p>5 dome lamps, and another one I can't read.</p> <p>6 <b>Q. So all the lights are hooked up through</b></p> <p>7 <b>that battery buss box?</b></p> <p>8 A. That's right, the buss bar.</p> <p>9 <b>Q. Where is that located? Is that in the</b></p> <p>10 <b>tractor?</b></p> <p>11 A. That would be in the, if we're calling this</p> <p>12 the tractor right here, yes. And that is located</p> <p>13 right in front of the driver's -- I have a picture</p> <p>14 of it.</p> <p>15 <b>Q. Tell you what do. Where is that -- see if</b></p> <p>16 <b>you can find it on Exhibit 12 for me.</b></p> <p>17 A. Right here (indicating). Now, right here</p> <p>18 they have a cover that goes over that, and that's on</p> <p>19 here. There's a cover over this, and this is</p> <p>20 basically right around where your left foot is when</p> <p>21 you're driving.</p> <p>22 <b>Q. Is this where it's located in the tractor</b></p> <p>23 <b>trailer that Mr. Morris was driving, also?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. There's fuses in there?</b></p>



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<p>90</p> <p>1 A. Yes. There's some fuses. There's</p> <p>2 breakers. It depends on what they have. All of the</p> <p>3 breakers are -- they're contained within a plastic</p> <p>4 case.</p> <p>5 <b>Q. You've not had the opportunity to examine</b></p> <p>6 <b>this power buss box?</b></p> <p>7 A. I've looked at one. I took the cover off</p> <p>8 and looked at it.</p> <p>9 <b>Q. I keep calling them box, but the power buss</b></p> <p>10 <b>bar that was in the Morris tractor trailer, you</b></p> <p>11 <b>haven't had an opportunity to review that, have you?</b></p> <p>12 A. No.</p> <p>13 <b>Q. You don't know whether it was completely</b></p> <p>14 <b>destroyed or not, do you?</b></p> <p>15 A. No, I do not.</p> <p>16 <b>Q. You don't know whether it could have</b></p> <p>17 <b>completely been destroyed in the rollover, do you?</b></p> <p>18 A. No, I cannot say that.</p> <p>19 <b>Q. You understand the rollover happened on the</b></p> <p>20 <b>driver's side of the vehicle, right?</b></p> <p>21 A. That's correct. I do understand that, and</p> <p>22 from what I understand it's somewhere in this area</p> <p>23 on the other side of the seat down where his foot --</p> <p>24 opposite the accelerator.</p> <p>25 <b>Q. Okay. And tell me whether you can give an</b></p>	<p>92</p> <p>1 <b>everything holding them together, right?</b></p> <p>2 A. There's a number of things. You know, they</p> <p>3 have straps that could hold them or bolts.</p> <p>4 <b>Q. You don't know whether it was straps or</b></p> <p>5 <b>bolts in this particular model, do you?</b></p> <p>6 A. No, I can't say that.</p> <p>7 <b>Q. You don't know whatever it was whether they</b></p> <p>8 <b>were still in place at the time --</b></p> <p>9 A. I can't say that.</p> <p>10 <b>Q. You knew what my question was going to be,</b></p> <p>11 <b>but let me make sure we get it clear on the record.</b></p> <p>12 <b>You don't know whether it was straps, bolts or</b></p> <p>13 <b>whatever that was securing those batteries; you</b></p> <p>14 <b>don't know whether those were in place at the time</b></p> <p>15 <b>of this accident, do you?</b></p> <p>16 A. I cannot say that they were.</p> <p>17 <b>Q. It's possible then if those weren't in</b></p> <p>18 <b>place that the batteries could have come out during</b></p> <p>19 <b>the rollover event, is that true?</b></p> <p>20 A. If those were not in place that's true.</p> <p>21 <b>Q. Are you aware of any situations where</b></p> <p>22 <b>during a rollover, even if they are in place, that</b></p> <p>23 <b>those systems fail?</b></p> <p>24 A. No.</p> <p>25 <b>Q. And I guess you wouldn't be because you</b></p>
<p>91</p> <p>1 <b>opinion on this or not, but will the fuses become</b></p> <p>2 <b>dislodged with a significant amount of force?</b></p> <p>3 A. I cannot give an accurate opinion on that.</p> <p>4 I did look at some of the breakers that are used in</p> <p>5 these applications. They have a wide blade that</p> <p>6 they force them in with, and they're contained</p> <p>7 within plastic. My experience with these in</p> <p>8 nonmoving situations is very tough.</p> <p>9 <b>Q. But you don't have any experience on that</b></p> <p>10 <b>as far as a rollover of an 18 wheeler on an</b></p> <p>11 <b>interstate?</b></p> <p>12 A. I can't say that. Yes.</p> <p>13 <b>Q. So it is possible that during the rollover</b></p> <p>14 <b>event it could have knocked out fuses that would</b></p> <p>15 <b>have kept these lights on?</b></p> <p>16 A. That's possible.</p> <p>17 <b>Q. Anything else that you can point me to that</b></p> <p>18 <b>supports your opinion that these lights were on at</b></p> <p>19 <b>the time of impact?</b></p> <p>20 A. I think that would be it.</p> <p>21 <b>Q. I'm kind of going to go through these</b></p> <p>22 <b>things now. One of the things we talked about that</b></p> <p>23 <b>was in that brochure on one of the tractor trailers</b></p> <p>24 <b>you were talking about the cover plate that goes</b></p> <p>25 <b>over the batteries and has those bolts and nuts and</b></p>	<p>93</p> <p>1 <b>haven't ever seen a rollover event other than this</b></p> <p>2 <b>one, right?</b></p> <p>3 A. That's true.</p> <p>4 <b>Q. Let me ask you about the headlight. You</b></p> <p>5 <b>had that picture of that headlight that was intact,</b></p> <p>6 <b>right?</b></p> <p>7 A. That's correct.</p> <p>8 <b>Q. Do we all agree that the lights were off</b></p> <p>9 <b>after the Peterbilt impact?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. That picture you've got there --</b></p> <p>12 A. Wait, let me say I would assume so.</p> <p>13 <b>Q. If that's what the testimony is, you</b></p> <p>14 <b>wouldn't have any reason to dispute that, would you?</b></p> <p>15 A. No.</p> <p>16 <b>Q. And from everything you've heard thus far,</b></p> <p>17 <b>there's no question but that the lights were off</b></p> <p>18 <b>after the Peterbilt impact. The only question is</b></p> <p>19 <b>whether or not they were off before the Peterbilt --</b></p> <p>20 A. That's what the driver of the other truck</p> <p>21 said in his deposition.</p> <p>22 <b>Q. And you viewed the photographs taken by the</b></p> <p>23 <b>state troopers out there at the accident scene?</b></p> <p>24 A. That's right.</p> <p>25 <b>Q. And in viewing those photographs, did you</b></p>



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<p style="text-align: right;">94</p> <p>1 see any pictures taken that would indicate the</p> <p>2 lights of the Kenworth were on even after the final</p> <p>3 impact?</p> <p>4 A. All I can say is after the impact there was</p> <p>5 no -- from the pictures I saw which were after the</p> <p>6 impact there were no lights on.</p> <p>7 Q. You've shown me a picture there of a</p> <p>8 headlight that's intact, and you said that in your</p> <p>9 opinion supports your belief that the lights were on</p> <p>10 after the rollover?</p> <p>11 A. That's right.</p> <p>12 Q. We know -- assume the lights were off after</p> <p>13 the second impact?</p> <p>14 A. Right.</p> <p>15 Q. That picture was taken after that impact.</p> <p>16 Isn't that right?</p> <p>17 A. That's right.</p> <p>18 Q. So if the lights were off after the impact</p> <p>19 with the Peterbilt, I mean the fact that that</p> <p>20 headlight is intact wouldn't really mean anything,</p> <p>21 would it?</p> <p>22 A. After the second impact it doesn't mean</p> <p>23 anything. The first impact on the ground would lead</p> <p>24 me to believe that -- this appears to be on the</p> <p>25 driver's side, and the light structure is not messed</p>	<p style="text-align: right;">96</p> <p>1 A. I guess so.</p> <p>2 Q. Is it connected in any way to the truck?</p> <p>3 A. From what I can see there, no.</p> <p>4 Q. Do you know whether that came off at the</p> <p>5 rollover or whether it came off at the impact?</p> <p>6 A. I don't know that.</p> <p>7 Q. If it came off during the rollover would</p> <p>8 you agree with me that it isn't going to be lighting</p> <p>9 up?</p> <p>10 A. If it came off during rollover certainly.</p> <p>11 Q. Can you say one way or the other which one</p> <p>12 caused it to come off?</p> <p>13 A. I can't say that.</p> <p>14 MR. ROBINSON:</p> <p>15 More probably than not.</p> <p>16 A. More than probably not I would assume it</p> <p>17 would be on after the rollover.</p> <p>18 BY MR. BRITTAIN:</p> <p>19 Q. Tell me why that is.</p> <p>20 A. Because this light -- I made a point to</p> <p>21 look at trucks this weekend, and that light is also</p> <p>22 right within the wheel.</p> <p>23 Q. On which side?</p> <p>24 A. Both sides.</p> <p>25 Q. Which side did this light come from?</p>
<p style="text-align: right;">95</p> <p>1 up.</p> <p>2 Q. What I'm saying is this. I mean we know</p> <p>3 the lights were off. When all the dust cleared and</p> <p>4 everything stopped, no more impacts, no more damage,</p> <p>5 nothing, we know the lights were off. All right?</p> <p>6 A. Okay.</p> <p>7 Q. Now, you're saying that this picture that</p> <p>8 was taken after the fact that shows this intact</p> <p>9 headlight means to you the light was on before the</p> <p>10 impact from the Peterbilt. Am I understanding you</p> <p>11 correctly to say that?</p> <p>12 A. This light being that the light box from</p> <p>13 what I can see in this picture appears to still be</p> <p>14 intact lends me to believe that this light structure</p> <p>15 was okay after the rollover.</p> <p>16 Q. Well, based on that then, based on that</p> <p>17 belief wouldn't you expect then for the lights to be</p> <p>18 on even after everything was all said and done with?</p> <p>19 A. You mean after this, after the second</p> <p>20 impact?</p> <p>21 Q. After the second impact.</p> <p>22 A. Well, obviously, the light is not on the</p> <p>23 truck at that point.</p> <p>24 Q. Did somebody pick that up and put it in</p> <p>25 there?</p>	<p style="text-align: right;">97</p> <p>1 A. I think that would be on the left side.</p> <p>2 Q. Driver's side?</p> <p>3 A. Uh-huh (indicating an affirmative</p> <p>4 response).</p> <p>5 Q. Do you know it came from the driver's side,</p> <p>6 or do you think it came from the driver's side, or</p> <p>7 are you just guessing that it came from the driver's</p> <p>8 side?</p> <p>9 A. I don't know.</p> <p>10 Q. The basis of your opinion though, you're</p> <p>11 assuming that it did come from the driver's side?</p> <p>12 A. It would lend to that being that that was</p> <p>13 the other side -- this rubbed against -- this light</p> <p>14 could only come from that side. The other side</p> <p>15 would not have been damaged. It wouldn't have</p> <p>16 rubbed against the ground. It wouldn't have been in</p> <p>17 a place where it could have come off the truck</p> <p>18 unless somebody took the opportunity to take it off</p> <p>19 the truck.</p> <p>20 Q. It's just as likely that this came off of</p> <p>21 the passenger's side, isn't it?</p> <p>22 A. No.</p> <p>23 Q. Tell me why that is.</p> <p>24 A. Because the driver's side was on the</p> <p>25 ground.</p>



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<p>98</p> <p>1 <b>Q. What does that -- explain this to me. I</b>  2 <b>don't understand what you're telling me.</b>  3 A. I'm just saying that that side of the truck  4 is right there on the ground, which I don't know how  5 the truck laid on the ground. This is going to be  6 very near the ground. From what I could see the  7 Peterbilt truck that ran into the back of it right  8 here, this wouldn't have rubbed off, wouldn't have  9 been forced off in any way. It appears it's forced  10 off. It looks like there's some tears right there.  11 <b>Q. But, again, you don't know whether that was</b>  12 <b>forced off by the rollover, by the impact with the</b>  13 <b>Peterbilt, or by them putting it on a wrecker and</b>  14 <b>hauling it down the road either, do you?</b>  15 <b>DR. ROBINSON:</b>  16 I would just object to the form  17 because we do know this is a photograph  18 taken after the collision. We do know  19 that.  20 A. That's correct.  21 BY MR. BRITTAIN:  22 <b>Q. Do you know whether that photograph was</b>  23 <b>taken at the accident scene?</b>  24 A. This was taken with Mr. Messerschmidt, the  25 investigator.</p>	<p>100</p> <p>1 <b>the cab, how the filaments in the cab bulb give any</b>  2 <b>indication to you that lights were on outside?</b>  3 A. Just if the bulbs went through a rollover  4 and an impact from the second, it would stand to  5 believe that the lights would still operate. Being  6 it was night we can all assume that he had his  7 lights on. From that I can say, you know, I would  8 assume or more probable than not that the lights  9 would be, you know, they could operate.  10 <b>Q. And according to the way you're developing</b>  11 <b>that opinion, the lights should have been on even</b>  12 <b>after the impact?</b>  13 A. No, I can't say that.  14 <b>Q. Tell me what the difference is. I mean the</b>  15 <b>filament in the cab remained intact we know from the</b>  16 <b>rollover and then from -- even after the impact. So</b>  17 <b>what changes between the rollover and impact?</b>  18 A. After the impact, again, we said the cab  19 was thrown off of the tractor. So at that point we  20 don't -- all bets are off. We don't know what  21 happened.  22 <b>DR. ROBINSON:</b>  23 He needs to know why.  24 BY MR. BRITTAIN:  25 <b>Q. What I'm trying to figure out is how does a</b></p>
<p>99</p> <p>1 <b>COURT REPORTER:</b>  2 Whose investigation?  3 <b>DR. ROBINSON:</b>  4 Dr. Edward L. Robinson's office.  5 BY MR. BRITTAIN:  6 <b>Q. All right. Here is my question. So that</b>  7 <b>was taken after it was already taken to the</b>  8 <b>junkyard?</b>  9 A. Yes.  10 <b>Q. You don't know whether this light right</b>  11 <b>here had been removed between the accident scene and</b>  12 <b>the junkyard, do you?</b>  13 A. I can't say where it is, you know, where it  14 was removed.  15 <b>Q. So it could have either come off the</b>  16 <b>rollover, or it could have come off during the</b>  17 <b>impact, or it could have come off when somebody</b>  18 <b>pulled it off later and sometime in between the</b>  19 <b>impact and when this picture was taken?</b>  20 A. Yes, sir.  21 <b>Q. And all of those is equally likely?</b>  22 A. I think I'm stepping out of my bounds as an  23 electrical guy to comment on when it would have come  24 off.  25 <b>Q. All right. Explain to me how the bulbs in</b></p>	<p>101</p> <p>1 <b>filament of a light inside the cab have anything to</b>  2 <b>do with -- I mean I'll agree with you if -- I don't</b>  3 <b>agree that this is what happened, but if the cab was</b>  4 <b>separated from the chassis during the impact and the</b>  5 <b>wires were broken, that the light in the cab</b>  6 <b>wouldn't be on any more, and that if everything was</b>  7 <b>hooked up properly it would have been on beforehand.</b>  8 <b>I understand what you're saying as far as that goes.</b>  9 <b>But what I'm saying is what difference does</b>  10 <b>it make as far as that filament goes?</b>  11 A. What I'm saying is if the lights were on --  12 he went through and had a rollover, we have a  13 filament that's intact, then he got hit by another  14 truck and the filament is intact. To me that  15 indicates that the lights are pretty tough, they can  16 handle it, they're going to be on.  17 <b>Q. You're talking about the filaments within</b>  18 <b>the lights, the headlights, taillights and running</b>  19 <b>lights and all that?</b>  20 A. More probable than not.  21 <b>Q. So based on the fact that -- where exactly</b>  22 <b>is this interior light filament, the interior light</b>  23 <b>actually that the bulb went into?</b>  24 A. I can't say exactly what these bulbs come  25 from. They took a shot of these two, these two</p>



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1 Q. Back to the light. You don't know whether  
 2 it was ever put on there to begin with, and you  
 3 don't know whether even if it had been removed  
 4 by the time this accident happened?  
 5 A. I can't say whether the light was on or  
 6 off. I think that is probably something we have to  
 7 find out about. That's something that Panther, too,  
 8 would know about.  
 9 Q. Did you call them to find that out?  
 10 A. I did not do that.  
 11 Q. Now, are you aware that there was some  
 12 damage done to the trailer, it was bent up during  
 13 the rollover?  
 14 A. No, I wasn't specifically aware of that.  
 15 Q. Do you know whether there was any?  
 16 A. No. I did see them going through the  
 17 median and all that.  
 18 Q. You're aware it drove through a median I  
 19 think about 150 feet or 150 yards, I can't remember,  
 20 before coming back up and rolling over?  
 21 A. I saw the reconstruction map, yes.  
 22 Q. Do you know whether when it went through  
 23 that median then whether that light could have been  
 24 knocked off or disabled, assuming it was even on  
 25 there?

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1 A. I can't say whether it was or not.  
 2 Q. Back to what they could or could not see  
 3 then. Are you able to tell me that, you know, 300  
 4 feet from this overturned Kenworth they should have  
 5 been able to see it based on -- assuming the lights  
 6 were on?  
 7 A. No, I cannot say that.  
 8 Q. So even if the lights were on, you're not  
 9 able to say one way or the other whether or not they  
 10 could have even seen the lights?  
 11 A. I can't say that.  
 12 Q. It's possible that these lights were on,  
 13 that the headlights would be pointed out into the  
 14 trees, assuming there were even any trees there, and  
 15 they never would have been able to see them?  
 16 DR. ROBINSON:  
 17 I'm going to object because anything  
 18 is possible. We have to ask questions on  
 19 the basis of the actual facts, and I think  
 20 those questions are not in line with the  
 21 factual scenario actually presented.  
 22 BY MR. BRITAIN:  
 23 Q. Let me ask you this. This is a  
 24 hypothetical. Assume that the tractor was laying  
 25 over on its side and the lights were still on, and I

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1 think your general understanding is that there are  
 2 no trees there. If you've got lights shining off  
 3 into nothing and there's nothing to reflect the  
 4 light back, are you going to be able to see that?  
 5 DR. ROBINSON:  
 6 Are you asking him who could see, him  
 7 or the driver, Mr. Thompson or his  
 8 passenger could see? Are you asking him to  
 9 give an opinion on what they saw or didn't  
 10 see?  
 11 BY MR. BRITAIN:  
 12 Q. Let me ask you this. How far out do those  
 13 headlights usually work on a tractor trailer?  
 14 A. I don't know.  
 15 Q. You don't know if you are driving it  
 16 regular how far down the road you could see?  
 17 A. I don't -- I can't say.  
 18 Q. You don't know the power, however you want  
 19 to call it, illumination of the headlights or  
 20 anything like that?  
 21 A. I don't know that.  
 22 Q. You tell me whether you're familiar with  
 23 lights to the extent of how far away people can see  
 24 them, why you're able to see a light, whether it be  
 25 reflection or something like that. Is that

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1 something you're qualified to give expert testimony  
 2 on?  
 3 A. Not at this time.  
 4 Q. You said not at his time. Have you signed  
 5 up for any classes to learn how to become --  
 6 A. We do lighting and we have to -- there's  
 7 things that we have to apply, but I don't know  
 8 specifically anything about vehicle lighting, and  
 9 then it's been such a long time since I've done  
 10 anything with lighting that I would have to go  
 11 refresh myself on that situation.  
 12 Q. Well, tell me if you can answer this  
 13 question or if you can't, but if you take a  
 14 headlight of an 18 wheeler, and you shine it off  
 15 into nothing, just dark, are you going to be able to  
 16 see the light if you're standing behind it?  
 17 A. If I'm standing behind it? It depends.  
 18 How is the beam deflected? Does he have his low  
 19 beams or high beams on, those kind of things, you  
 20 know.  
 21 Q. Either one. You tell me with low beams.  
 22 A. He had the low beam on and I'm standing  
 23 behind him, certainly that's -- I'm not trying to  
 24 give any expert opinion on what happened here, but  
 25 if I'm standing behind a truck and it's shining a